

Entscheidung in der Sache 1215/2013/JF - Interessenkonflikte bei der Auswahl von Beobachtern für Wahlbeobachtungsmissionen der EU

Entscheidung

Fall 1215/2013/JF - **Geöffnet am** 19/08/2013 - **Entscheidung vom** 08/12/2014 - **Betroffene Institution** Europäische Kommission (Einvernehmliche Lösung) |

Der Fall betrifft vermutete Interessenkonflikte bei der Auswahl von Beobachtern für Wahlbeobachtungsmissionen der EU. Der Beschwerdeführer hatte erfahren, dass die Europäische Kommission zuließ, dass Mitglieder der nationalen Anlaufstellen, also der für die Vorauswahl der Beobachter zuständigen Stellen, selbst als Beobachter ausgewählt werden.

Die Bürgerbeauftragte unterbreitete der Kommission einen Vorschlag für eine einvernehmliche Einigung, der vorsah, dass diese ein Verfahren zur Ernennung von Mitgliedern von Anlaufstellen als Beobachter für EU-Wahlbeobachtungsmissionen verwendet, das getrennt von dem für externe Kandidaten abläuft. Die Kommission stimmte zu und der Beschwerdeführer war mit dem Ergebnis zufrieden.

The background

1. The Commission had approved, as an observer for the East Timor EU Election Observation Mission ('EOM'), a person who was a member of the Portuguese Focal Point, that is, the national body responsible for pre-selecting observers [1] . According to the complainant, it appeared to be common practice that Focal Points pre-select their own members to act as observers in EU EOMs. The complainant considered that the Commission should issue clear rules with a view to avoiding conflicts of interest in the selection of observers for EU EOMs [2] .

2. The Ombudsman opened an inquiry into the following allegation and claims:

The Commission allows conflicts of interest in the selection of observers for EOMs.

The Commission should (i) acknowledge its failure to prevent conflicts of interest in the selection of observers for EOMs; and (ii) issue clear rules in respect of the avoidance of conflicts of interest in the selection of observers for EOMs [3] .



Alleged acceptance of conflicts of interest

The Ombudsman's friendly solution proposal

3. Taking into account the arguments and opinions put forward by the parties, the Ombudsman concluded that when the Commission accepts that members of national Focal Points apply for election observer positions together with external candidates, and even encourages them to do so, this necessarily gives rise to a conflict of interest. The Ombudsman therefore made a proposal for a friendly solution suggesting that:

" the Commission appoint members of Focal Points by way of a procedure separate from that applied to the selection of external candidates as observers to EOMs. "

4. The Commission accepted the Ombudsman's friendly solution proposal. It stated that, as from the last quarter of 2014, it will introduce a separate procedure for selecting members of national Focal Points as observers. It also stated that the relevant legislation, which is currently under review, will provide for the participation of members of Focal Points in EOMs. The complainant was pleased with this outcome and thanked the Ombudsman.

The Ombudsman's assessment after the proposal for a friendly solution

5. The Ombudsman welcomes the Commission's decision to lay down a procedure for selecting members of Focal Points as observers for EOMs which is separate from that applicable to the selection of other candidates, thereby accepting her friendly solution proposal. Since the Commission has taken steps to settle the matter, the Ombudsman closes the case.

Conclusion

On the basis of the inquiry into this complaint, the Ombudsman closes it with the following conclusion:

The Commission has accepted the Ombudsman's proposal for a friendly solution and the case has therefore been settled.

The complainant and the Commission will be informed of this decision.

Emily O'Reilly



Done in Strasbourg on 08 December 2014

[1] According to the website of the European External Action Service: "[e]very EU Member State has a Focal Point for election observation related matters, either within their own Ministry of Foreign Affairs or in a related external agency. The Focal Points are responsible for the recruitment and proposal of their own country's candidates for selection as Short-Term and Long-Term Observers to EU Election Observation Missions. "

[2] Detailed information on EU EOMs is available on the website of the European External Action Service: http://eeas.europa.eu/eueom/index_en.htm [Link]

[3] For further information on the background to the complaint, the parties' arguments and the Ombudsman's inquiry, please refer to the full text of the Ombudsman's friendly solution proposal available at:

<http://www.ombudsman.europa.eu/cases/correspondence.faces/en/58438/html.bookmark>